

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Schiff

Amending Title 13, Chapter 321, Article III of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers; Exhibitions.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the title of Article III, Chapter 321 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE III. EXHIBITIONS AND TEMPORARY MARKETS

Section 2. That Section 321.430 of the above-entitled ordinance be amended to read as follows:

321.430. Definitions.

As used in this article:

Exhibition or temporary market shall mean a temporary exhibition, ~~convention, sale, flea market,~~ show or exposition of arts, crafts, antiques, or secondhand goods ~~by any person, partnership, corporation or association sold at tables, stalls, or booths at a fixed location.~~ No exhibition shall be held for more than five (5) consecutive calendar days. No more than twelve (12) exhibitions may be held at a single location, other than the Minneapolis Convention Center, in a calendar year.

Exhibition or temporary market operator shall mean any natural person, partnership, corporation or association, either as principal or agent or employee thereof, who organizes, promotes or conducts an temporary exhibition, sale, flea market, show or exhibition for the sale of secondhand goods, arts, crafts or antiques.

Exhibitor or temporary market exhibitor shall mean any natural person, partnership, corporation or association, either as principal or agent or employee thereof, whom offers used or previously owned merchandise, arts and crafts produced by the exhibitor, antiques, or secondhand goods for sale at an exhibition or temporary market.

Section 3. That Section 321.440 of the above-entitled ordinance be amended to read as follows:

321.440. License Permit required. (a) No person, partnership, corporation or association shall hold a temporary market or an exhibition without first obtaining a temporary market or an exhibition operator license permit. ~~No person, partnership, corporation or association shall sell, or offer for sale, used, or previously owned merchandise, at an exhibition, without first obtaining a an exhibitor permit. Applications for exhibitor permits will not be accepted prior to receipt of the application from the exhibition operator.~~

~~Exhibition operator permits shall only be valid for the dates and location of a single, specific exhibition, and for a maximum of five (5) consecutive days.~~

Temporary market and Exhibitor exhibition operator licenses shall expire annually on December 31st or the last day of the exhibition if it includes both December 31st and January 1st of consecutive years.

- (b) Exhibitors shall post their permit vendor lease in a conspicuous manner in their display or sales area of the exhibition, and shall maintain such posting for the duration of the exhibition.
- (c) ~~Whenever two (2) or more exhibitors share a common display area at an exhibition, each is required to have a valid exhibitor license.~~
- (dc) Temporary market or exhibition Exhibition operator and exhibitor permits shall be reviewed and approved, or denied, by the issuing authority ~~director of licenses and consumer services~~, in accordance with section 259.30 and all other provisions of this Code~~section 321.530 of this article.~~

Section 4. That Section 321.450 of the above-entitled ordinance be amended to read as follows:

321.450. Exceptions. The following transactions shall not require a permit under this article:

- (a) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.
- (b) The sale of secondhand books, magazines or postage stamps.
- (c) Goods sold at the public market and farmer's markets pursuant to the provisions of Chapter 202 of the Minneapolis Code of Ordinances.
- (d) The sale used motor vehicles by licensed dealers.
- (e) The sale of numismatic related articles, including but not limited to, coins, currency, tokens, medals and other such related collectibles if the temporary market exhibition operator is a nationally recognized non-profit numismatic society or association and the temporary market or exhibition is held at the Minneapolis Convention Center.

- (f) An exclusive sale of arts and crafts where a commercial block event permit or Park Board permit has been issued for the event, and no second hand goods are displayed for sale.

Section 5. That Section 321.460 of the above-entitled ordinance be amended to read as follows:

321.460. Temporary market or exhibition Exhibition operator license permit classification. (a) Temporary market or exhibition ~~Exhibition operator licenses permits~~ issued under this article shall be classified by the number of exhibitors that participate in the exhibition.

- (1) Class A temporary market or exhibition operator licenses permits shall be required for any temporary market or exhibition with more than seventy-five (75) exhibitors.
- (2) Class B temporary market or exhibition operator licenses permits shall be required for any temporary market or exhibition with fifty (50) to seventy-four (74) exhibitors.
- (3) Class C temporary market or exhibition operator licenses permits shall be required for any temporary market or exhibition with fewer than fifty (50) exhibitors.

Section 6. That Section 321.470 of the above-entitled ordinance be amended to read as follows:

321.470. License Permit fees. The fees for licenses permits issued under this article shall be as established in the license fee schedule.

~~(a) — Class A exhibition operator. For complete and accurate applications received by the department of licenses and consumer services at least thirty (30) days prior to the first day of the exhibition, the permit fee shall be as established in Appendix J, License Fee Schedule.~~

- ~~(1) — If the application is received, or remains incomplete or inaccurate, less than thirty (30) days prior to the first day of the exhibition, a seventy-five dollar (\$75.00) late fee will be assessed.~~

~~(b) — Class B exhibition operator. For complete and accurate applications received by the department of licenses and consumer services at least thirty (30) days prior to the first day of the exhibition, the permit fee shall be as established in Appendix J, License Fee Schedule.~~

- ~~(1) — If the application is received, or remains incomplete or inaccurate, less than thirty (30) days prior to the first day of the exhibition, a fifty dollar (\$50.00) late fee will be assessed.~~

- ~~(c) — *Class C exhibition operator.* For complete and accurate applications received by the department of licenses and consumer services at least thirty (30) days prior to the first day of the exhibition, the permit fee shall be as established in Appendix J, License Fee Schedule.~~
- ~~(1) — If the application is received, or remains incomplete or inaccurate, less than thirty (30) days prior to the first day of the exhibition, a twenty-five dollar (\$25.00) late fee will be assessed.~~
- ~~(d) — If the total number of exhibitors at an exhibition exceeds the number allowed under the exhibition operator's permit, a new permit for the correct classification will be issued and any additional fees will be due and payable prior to the opening of the exhibition.~~
- ~~(e) — *Exhibitor.* For complete and accurate applications received by the department of licenses and consumer services at least seven (7) business days prior to the first day of the first exhibition the exhibitor participates in on or after January 1st each year, the permit fee shall be as established in Appendix J, License Fee Schedule. If the applicant is currently licensed under Chapter 321 Article I, II or III, Chapter 322 or Chapter 324, no permit fee shall be required.~~
- ~~(1) — If the application is received, or remains incomplete or inaccurate, less than seven (7) business days prior to the first day of the first exhibition the exhibitor participates in, on or after January 1st each year, a fifteen dollar (\$15.00) late fee will be assessed.~~
- ~~(2) — Section 321.470 (e)(1) notwithstanding, all applications must be submitted, completely and accurately, to the department of licenses and consumer services, prior to 3:00 p.m. of the second business day prior to opening of the first exhibition the exhibitor participates in, on or after January 1st each year.~~

Section 7. That Section 321.480 of the above-entitled ordinance be amended to read as follows:

321.480. Application required. (a) *Contents.* Every applicant for a permit or license defined in this article must submit a complete and accurate application on forms provided by the department of licenses and consumer services. All applicants, in addition to a general personal and penal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the permit for which they are applying, including:

- (1) For temporary market or exhibition operator license ~~permit~~ applicants, the location, dates and times of the proposed temporary market exhibition.
- (2) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

- (3) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer, pawnbroker license, temporary market or exhibition license or permit from this or any other governmental unit.
 - (4) The location at which the applicant's business records are maintained.
 - (5) An executed data privacy advisory and consent form authorizing the release of criminal history information.
 - ~~(6) Applicants for or exhibition operator permits must include a complete list of all exhibitors known to them at the time that they make application, including their business name, complete address, phone number and whether they are currently licensed as an exhibitor.~~
 - ~~a. If or exhibition operator is granted, fifteen (15) days prior to the first day of the exhibition, the operator must submit an updated list to the department of licenses and consumer services of all changes, corrections and additions to the list of known exhibitors submitted with their initial application.~~
 - ~~b. Exhibition operators must provide a final and complete list of all exhibitors by 3:00 p.m. of the last business day prior to the opening date of the or exhibition.~~
 - (6) Provide a scaled and dimensioned site plan of the property indicating the entire market layout including onsite placement of booths, tables, loading and unloading zones, trash receptacles, sanitary toilets, parking areas for vendors and market attendees (on or off-site), signage including location, type, dimension, and other relevant information.
 - (7) Such other application information as the city council or issuing authority may require.
- (b) *Application execution.* All applications for a license ~~permit~~ under this ordinance must be signed ~~and sworn to under oath or affirmation~~ by the applicant. If the application is that of a natural person, it must be signed ~~and sworn to~~ by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one (1) of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.
- (c) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

Section 8. That Section 321.490 of the above-entitled ordinance be amended to read as follows:

321.490. Bond required. ~~(a) Exhibition operator. Before a permit will be issued for an exhibition operator, every applicant must submit a ten thousand dollar (\$10,000.00) exhibition operator bond on forms provided by the department of license and consumer services. All exhibition operator bonds must be conditioned that the operator, and all exhibitors permitted to conduct business at the or exhibition, will observe all laws in relation to exhibition operators and exhibitors, will conduct business in conformity thereto, and that the operator will account for and deliver to any person legally entitled, any goods which have come into the hands of the operator, or the hands of any of its exhibitors, through their business as an exhibition operators or exhibitors, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the department of licenses and consumer services.~~

~~(b) Exhibitor. Before a permit will be issued for an exhibitor, the department of licenses and consumer services must have in its possession a valid exhibition operator bond issued to the exhibition operator permitted at the location for which the applicant is applying.~~ **Insurance required.** No exhibition operator license authorized by this article shall be effective until the applicant therefor has filed with the issuing authority evidence of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance or operation of such exhibition and temporary market in amounts of at least fifty thousand dollars (\$50,000.00) for the injury or death of one person, three hundred thousand dollars (\$300,000.00) for the injury or death of two (2) or more persons, and twenty five thousand dollars (\$25,000.00) for damage to property. The city shall be named as an additional named insured in the policy providing such insurance, and such policy shall further provide that it may not be canceled except upon ten (10) days written notice filed with the issuing authority. No license issued pursuant to the provisions of this article shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the issuing authority.

Section 9. That Chapter 321 of the above-entitled ordinance be amended by adding thereto a new Section 321.495 to read as follows:

321.495. Requirements. The temporary market exhibition operator shall:

- (1) Comply with the physical site plan submitted with the license application as approved by the City of Minneapolis.
- (2) Meet all requirements concerning the placement of temporary structures, and comply with all building, electrical, mechanical and fire code laws and ordinances.

- (3) Operate on an improved surface free of dust, mud, standing water and is capable of supporting a wheel load of 4000 lbs.
- (4) Provide adequate and sufficient solid waste and recycling receptacles at all points of egress, and additionally as needed, and shall further provide portable sanitary toilets in a number and type as determined by the Minneapolis Environmental Health Division in accordance with the Portable Sanitation Association guidelines.
- (5) Limit food vendors and agricultural products to less than 25% of all vendors, up to a maximum of ten (10) food vendors, at the temporary market or exhibition.
- (6) The use shall comply with all applicable requirements of Title 20, Zoning Code, of the Minneapolis Code of Ordinances.
- (7) Obtain an amplified sound permit if noise above ambient sound levels are anticipated
- (8) Refrain from operating beyond the maximum hours of operation of 6 a.m. to 10:00 p.m. unless an extended hours license has been obtained.
- (9) Maintain a lease with all temporary market or exhibition vendors outlining all regulations under this chapter. Leases shall be maintained for a period of one (1) year and made available upon request to the director of licenses and consumer services, the chief of police, or their designee.
- (10) Maintain a minimum of ten (10) temporary market exhibitors under lease to qualify for a license.
- (11) Remove trash, litter and debris from the event site within four (4) hours of close of the event.
- (12) Equipment storage. Equipment used at an exhibition or temporary market including tables, tents, signs, merchandise, solid waste containers, or other non-permanent fixtures may only be stored in an enclosed building when sales are not occurring.

Section 10. That Section 321.500 of the above-entitled ordinance be and is hereby repealed.

321.500. Records required. ~~Every exhibitor at an exhibition shall maintain a permanent record of the following information for all goods exhibited:~~

- ~~(a) An accurate description of the item; including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item.~~
- ~~(b) Purchase price.~~

~~(c) — Date, time and place of receipt.~~

~~(d) — Name and residence address of the person from whom the item was received.~~

~~The records required under this section shall be made available for inspection upon request by the police department or the department of licenses and consumer services. Entries shall be maintained for at least three (3) years.~~

Section 11. That Section 321.510 of the above-entitled ordinance be amended to read as follows:

321.510. Prohibited acts. No temporary market exhibition operator shall:

- (1) Allow an exhibitor No exhibitor may to purchase or otherwise receive any secondhand goods or items at a temporary market or an exhibition except from another licensed exhibitor at the exhibition.
- (2) Sell guns, ammunition, explosive materials, dangerous, hazardous, flammable substances, alcohol, illegal drugs, drug paraphernalia, stolen property or trademark infringements or counterfeit logos or labels on apparel or electronic equipment with a unique identifier, such as, but not limited to cellphones, audio visual equipment, vehicle stereos, home stereo systems, computer and computer related electronic equipment.
- (3) Create amplified sounds, or loud or boisterous noises in violation of any applicable requirement.
- (4) Allow structures, mechanical , electricity or water to be placed without the approval of the City of Minneapolis.
- (5) Commit criminal acts on the temporary market exhibition property.
- (6) Set up on public property without the permission of the City of Minneapolis.
- (7) Allow an exhibitor to obtain a lease or participate in a sale after the issuing authority has provided evidence establishing a violation of any portion of this article within the past twenty-four (24) months.
- (8) Offer or allow an exhibitor to offer new merchandise for sale unless the items are handcrafted by the exhibitor.

Section 12. That Section 321.520 of the above-entitled ordinance be amended to read as follows:

321.520. Police order to hold property. Whenever the chief of police or the chief's designee notifies a temporary market or an exhibition operator or exhibitor not to

sell an item, the item shall not be sold or removed from the temporary market or exhibition. The chief of police or the chief's designee shall confiscate or release the item prior to the close of the temporary market or exhibition.

Section 13. That Section 321.530 of the above-entitled ordinance be and is hereby repealed.

~~321.530. Denial, suspension or revocation.~~ Any permit under this article may be denied, suspended or revoked for one (1) or more of the following reasons:

- ~~(a) — The proposed use does not comply with the Minneapolis Zoning Code.~~
- ~~(b) — The proposed use does not comply with any health, building, building maintenance or other provisions of this Code of Ordinances or state law.~~
- ~~(c) — The applicant, temporary market or exhibition operator or exhibitor has failed to comply with one (1) or more provisions of this article.~~
- ~~(d) — The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.~~
- ~~(e) — Fraud, misrepresentation, or bribery in securing or renewing a license.~~
- ~~(f) — Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.~~
- ~~(g) — Business practices, or conduct, deemed by the issuing authority to be contrary to the best interests, or safety, of the public.~~
- ~~(h) — Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.~~
- ~~(i) — The owner of the premises where the exhibition is planned would not qualify for a license under the terms of this article.~~